

J. Andrew Coombs (SBN 123881)  
*andy@coombspc.com*  
 Nicole L. Drey (SBN 250235)  
*nicole@coombspc.com*  
 J. Andrew Coombs, A P.C.  
 517 East Wilson Avenue, Suite 202  
 Glendale, California 91206  
 Telephone: (818) 500-3200  
 Facsimile: (818) 500-3201

JS-6

Attorneys for Plaintiff Disney  
 Enterprises, Inc.

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

Disney Enterprises, Inc.,

Plaintiff,

v.

Laraine Daley a/k/a Lynn Hornung a/k/a  
 Linn Hornug a/k/a Lynn Lopezi a/k/a  
 Lorraine Raymond a/k/a Lorraine Corry  
 a/k/a Lorraine Turner a/k/a Lynn Marie,  
 Jr. a/k/a Linda Marie Hornung, an  
 individual and doing business as Lynn  
 Marie, Inc. d/b/a LMI, Inc. d/b/a Movie-  
 Heaven.com d/b/a The Heaven Group,  
 Inc. d/b/a TheHeaven-Group.com d/b/a  
 Rare Videos d/b/a L Marie, Inc. d/b/a  
 Little Angels Mall, Inc. d/b/a Movie  
 Magic, Inc.; Kimberly Barton a/k/a Kim  
 Barton a/k/a K Barton, an individual; and  
 Does 2 – 10, inclusive,

Defendants.

Case No. CV 06-7557 GPS (PLAx)

~~[PROPOSED]~~ JUDGMENT  
 PURSUANT TO ENTRY OF  
 DEFAULT

This cause having come before this Court on the motion of Plaintiff Disney Enterprises, Inc. (“Plaintiff”) for entry of default judgment and permanent injunction (“Motion”) against Defendants Laraine Daley a/k/a Lynn Hornung a/k/a Linn Hornug a/k/a Lynn Lopezi a/k/a Lorraine Raymond a/k/a Lorraine Corry a/k/a Lorraine Turner a/k/a Lynn Marie, Jr. a/k/a Linda Marie Hornung, an individual and doing business as

1 Lynn Marie, Inc. d/b/a LMI, Inc. d/b/a Movie-Heaven.com d/b/a The Heaven Group,  
2 Inc. d/b/a TheHeaven-Group.com d/b/a Rare Videos d/b/a L Marie, Inc. d/b/a Little  
3 Angels Mall, Inc. d/b/a Movie Magic, Inc. and Kimberly Barton a/k/a Kim Barton  
4 a/k/a K Barton, an individual (collectively “Defendants”);

5 AND, the Court having read and considered the pleadings, declarations and  
6 exhibits on file in this matter and having reviewed such evidence as was presented in  
7 support of Plaintiff’s Motion;

8 AND, GOOD CAUSE APPEARING THEREFORE, the Court finds the  
9 following facts:

10 Plaintiff is the owner of all rights in and to certain copyright registrations  
11 including, but not limited to, the copyrights which are the subject of the registrations:  
12 *101 Dalmatians* (A 413652); *Lady and the Tramp* (LP 4675); and *The Little Mermaid*  
13 (PA 431-543) (collectively the “Plaintiff’s Copyrights”).

14 Plaintiff has complied in all respects with the laws governing copyrights and  
15 secured the exclusive rights and privileges in and to the Plaintiff’s Copyrights.

16 The appearance and other qualities of the Plaintiff’s Copyrights are distinctive  
17 and original.

18 Defendants engage in the unauthorized business of importing, distributing,  
19 promoting, selling and/or offering for sale unauthorized pirated Digital Versatile Discs  
20 (“DVDs”) of Plaintiff’s motion pictures featuring the Plaintiff’s Copyrights  
21 (“Unauthorized Media Product”).

22 Defendants’ importing, advertising, displaying, promoting, marketing,  
23 distributing, providing, offering for sale and selling of the Unauthorized Media  
24 Product was engaged in willfully and intentionally, without leave or license from  
25 Plaintiff, in violation of Plaintiff’s rights in and to the Plaintiff’s Copyrights. The  
26 devices, emblems, and artwork on the Unauthorized Media Product are not just  
27 “confusingly similar” to the Plaintiff’s Copyrights, they are identical.  
28

1           The Court specifically finds that Plaintiff is the prevailing party for purposes of  
2 an award of reasonable attorneys' fees. Plaintiff has instituted this action for an  
3 entirely proper and appropriate purpose, solely to vindicate and enforce compliance  
4 with its rights which have been knowingly and willfully infringed by Defendants and  
5 to recover for infringement of such rights. Plaintiff's action was not brought  
6 frivolously.

7           In contrast, Defendants' infringing conduct is a clear and unmistakable violation  
8 of Plaintiff's rights. Defendants' conduct has been patently unreasonable and  
9 egregious, violating Plaintiff's rights by appropriating and featuring the Plaintiff's  
10 Copyrights on media products, when Defendants intended, or knew or should have  
11 known, that such infringing activity would likely injure Plaintiff's name and  
12 reputation, requiring Plaintiff to institute and prosecute this action, and incur fees and  
13 costs in so doing, in order to attempt to obtain Defendants' recognition and  
14 compliance with Plaintiff's rights. Considerations of appropriate compensation and  
15 adequate deterrence also militate in favor of granting Plaintiff an award of attorneys'  
16 fees, pursuant to 17 U.S.C. § 505.

17           The liability of the Defendants in the above-referenced action for their acts in  
18 violation of Plaintiff's rights is knowing and willful, and as such, the Court expressly  
19 finds that there is no just reason for delay in entering the default judgment and  
20 permanent injunction sought herein.

21           Therefore, based upon the foregoing facts, and

22           GOOD CAUSE APPEARING THEREFORE, THE COURT ORDERS that this  
23 Judgment shall be and is hereby entered in the within action as follows:

- 24       1)     This Court has jurisdiction over the parties to this action and over the subject  
25 matter hereof pursuant to 17 U.S.C. §§ 101 *et seq.*, 28 U.S.C. §§ 1331 and 1338.  
26       2)     Service of process was properly made on the Defendants.  
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1 3) Defendants have distributed, sold, and offered for sale unauthorized copies of  
2 Plaintiff's motion pictures which infringe upon the Plaintiff's Copyrights.

3 4) The Defendants and their agents, servants, employees and all persons in active  
4 concert and participation with them who receive actual notice of the injunction are  
5 hereby restrained and enjoined from:

6 a) Infringing the Plaintiff's Copyrights, either directly or contributorily, in  
7 any manner, including generally, but not limited to manufacturing, reproducing,  
8 importing, distributing, advertising, selling and/or offering for sale any  
9 unauthorized product which features any of the Plaintiff's Copyrights, and,  
10 specifically:

11 i) Importing, manufacturing, reproducing, distributing, advertising, selling  
12 and/or offering for sale the Unauthorized Media Product or any other  
13 unauthorized products which picture, reproduce, copy or use the likenesses of  
14 or bear a substantial similarity to any of the Plaintiff's Copyrights;

15 b) Importing, manufacturing, reproducing, distributing, advertising, selling  
16 and/or offering for sale in connection thereto any unauthorized promotional  
17 materials, labels, packaging or containers which picture, reproduce, copy or use  
18 the likenesses of or bear a confusing similarity to the Plaintiff's Copyrights;

19 c) Engaging in any conduct that tends falsely to represent that, or is likely to  
20 confuse, mislead or deceive purchasers, Defendants' customers and/or members  
21 of the public to believe, the actions of Defendants, the products sold by  
22 Defendants, or Defendants themselves is connected with Plaintiff, is sponsored,  
23 approved or licensed by Plaintiff, or is affiliated with Plaintiff;

24 d) Affixing, applying, annexing or using in connection with the importation,  
25 manufacture, distribution, advertising, sale and/or offer for sale or other use of  
26 any goods or services, a false description or representation, including words or  
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1 other symbols, tending to falsely describe or represent such goods as being  
2 those of Plaintiff.

3 5) Defendants are ordered to pay damages to Plaintiff pursuant to 17 U.S.C. § 504  
4 in the sum of One Hundred Fifty Thousand Dollars (\$150,000.00).

5 6) Defendants are ordered to pay Plaintiff's attorneys' fees and costs in the amount  
6 of Six Thousand Six Hundred Dollars (\$6,600.00).

7 7) Defendants are ordered to pay interest on the principal amount of the judgment  
8 to Plaintiff at a statutory rate pursuant to 28 U.S.C. § 1961(a).

9 8) This Judgment shall be deemed to have been served upon Defendants at the  
10 time of its execution by the Court.

11 9) The Court finds there is no just reason for delay in entering this Judgment and,  
12 pursuant to Fed. R. Civ. P. 54(a), the Court directs immediate entry of this Judgment  
13 against Defendants.

14 10) The Court shall retain jurisdiction of this action to entertain such further  
15 proceedings and to enter such further orders as may be necessary or appropriate to  
16 implement and enforce the provisions of this Judgment.

17  
18 DATED: May 7, 2008

**GEORGE P. SCHIAVELLI**

Hon. George P. Schiavelli  
Judge, United States District Court,  
Central District of California

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21 PRESENTED BY:

22 J. Andrew Coombs, A Prof. Corp.  
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24 By: \_\_\_\_\_  
25 J. Andrew Coombs  
26 Nicole L. Drey  
27 Attorneys for Plaintiff Disney Enterprises, Inc.  
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